

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SHAWN C. LUNDY,

Petitioner,

v.

Case No. 2:03-cv-207
HON. R. ALLAN EDGAR

TERRY SHERMAN,

Respondent.

MEMORANDUM AND ORDER

Shawn C. Lundy, a state prisoner in the custody of the Michigan Department of Corrections, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. United States Magistrate Judge Timothy P. Greeley submits a report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. LCivR. 72.1. [Court Doc. No. 40]. The Magistrate Judge recommends that the § 2254 habeas petition be denied.

Lundy has filed objections. [Court Doc. No. 41]. After reviewing the record *de novo*, the Court concludes that the objections are without merit and they are **DENIED**. Pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. LCivR. 72.3(b), the Court **ACCEPTS and ADOPTS** the report and recommendation in its entirety. For the reasons expressed by the Magistrate Judge in the report and recommendation, the habeas petition will be **DISMISSED WITH PREJUDICE**. The Court will **DENY** a certificate of appealability under 28 U.S.C. § 2253(c)

as to each issue raised by Lundy in his habeas petition. Lundy has not made a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(2).

A separate judgment will enter.

SO ORDERED.

DATED: *January 10, 2006*

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE